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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,114	12/23/2005	Horst Hesse	125968	1192
25944	7590	03/09/2007	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			LAZO, THOMAS E	
			ART UNIT	PAPER NUMBER
			3745	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/09/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/562,114	HESSE ET AL.
	Examiner Thomas E. Lazo	Art Unit 3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 December 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/27/06.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

On pages 1 and 4, references to claims 1 and 9 should be removed.

On pages 2 and 3, the “LUDV control” appears to be a German term and should be translated to English.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “anti-cavitation valves” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takamura et al (5,630,317). Takamura et al. discloses a control arrangement for the pressure medium supply of two hydraulic consumers 3,4 with a pump 2 having a variable capacity, and two adjustable meter-in orifices 7,8, a first one of which is disposed between a supply line issuing from the pump 2 and a first hydraulic consumer 3, and the second one of which is disposed between a supply line and a second hydraulic consumer 4, two pressure compensators 25,26, a first one of which is arranged downstream from the first meter-in orifice 7, and the second one of which is arranged downstream from the second meter-in orifice 8, and the control pistons of which are adapted to be subjected on a front side to the pressure downstream from the respective meter-in orifice in the opening direction, and in the closing direction to the highest load pressure or to a pressure derived therefrom, wherein the pump 2 and the meter-in orifices

7,8 are adjustable, characterized by a control means 33 for outputting a control signal to the pump 2 in dependence on the target values predetermined for the meter-in orifices 7,8, and a rotational speed sensor 32 for detecting the pump speed. wherein the flow rate of the pump 2 may be adjusted electrically by means of proportional solenoids 37,47 , the meter-in orifice having the highest target value may be opened fully with the aid of the control means 33, and the other meter-in orifices may be caused to follow up accordingly, the control means 33 include a data storage wherein the characteristics of the variable displacement pump 2 and of the meter-in orifices 7,8 are stored, the pump is an axial piston pump 2, and the target values are detected in dependence on the control piston position of the meter-in orifices 7,8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takamura et al. in view of Lonnemo. Takamura et al. discloses all of the claimed subject matter except for anti-cavitation valves whereby the pressure medium chambers of the consumers may be connected with a tank, so that pressure medium may be replenished into the pressure medium chambers in the case of a pulling load.

Lonnemo teaches for anti-cavitation valves 39,40 whereby the pressure medium chambers of a consumer may be connected with a tank, so that pressure medium may be

replenished into the pressure medium chambers in the case of a pulling load for the purposes of maintaining control of the load. See Lonnemo col. 1, lines 11-16.

Since Takamura et al. and Lonnemo are both control arrangements of consumers, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the control arrangement of Takamura et al., based on the teachings of Lonnemo, to include anti-cavitation valves whereby the pressure medium chambers of the consumers may be connected with a tank, so that pressure medium may be replenished into the pressure medium chambers in the case of a pulling load for the purposes of maintaining control of the load.

#### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of eight patents.

Weickert et al., Yamashita et al., Karakama et al., Shirai et al. '122, Akiyama et al. '069, Akiyama et al. '227, Shirai et al. '063, and Strenzke et al. are cited to show control arrangements of consumers.

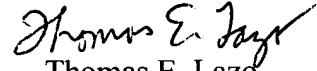
#### ***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas E. Lazo  
Primary Examiner  
Art Unit 3745  
February 28, 2007